IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH

C. W.P. No. 4210 of 2007
Date of decision: 20.03.2007

Ram Raji .....*Petitioner*

Versus

The Financial Commissioner, Haryana and Ors .....*Respondents*

CORAM: HON'BLE MR. JUSTICE JASBIR SINGH
HON'BL MRS. JUSTICE NIRMAL YADAV

Present: Mr. Vikram Punia, Advocate
for the petitioner

JASBIR SINGH, J. (Oral)

Dispute in this writ petition pertains to the appointment of Lambardar in Village Bajana Kalan, Tehsil Ganaur, District Sonepat. On accrual of vacancy for the said post, applications were invited. Petitioner, respondent No.4 and one Bhagirath were the applicants. The Collector appointed respondent No.4 as Lambardar of the Village and while disposing of that case, it was observed as under: -

> *" After having heard all the parties and having gone through the file as well as the facts and the rulings in this case, I have come to the conclusion that candidate Ram raji whose name was recommended by the sub divisional Officer (civil) and the Tehsildar is not having any land in his name as per the Naqsha Lambardari whereas according to 1993 PLJ 319, it is essential for a Lambardari to have land in his name. The mutation No. 2221 vide which land has been bought by the candidate Ram Raji seems to have been purchased after the filing of the application. As far as candidate Bhagirath is*

concerned though he is owning more land than others but he does not seem to be literate whereas a candidate ought to be literate these days. He is also unable to sign because he has thumb marked his application. Therefore, in these circumstances, in comparison to the other candidate the candidate Dharambir seems to be better qualified than others because he is educated and is a land owner. Though the appointment of Lambardari is not by election but maximum number of people of the village have supported his case including two members of the Panchayat Samiti. This shows his influence in the village and area. Therefore, I disagree with the recommendation of both the courts and thereby order the appointment of Dharambir son of Sube Singh of Village Bajana Kalan to the post of Lambardar in place of the deceased Ram Sarup. The sanad Lambardari may be issued after the lapse of the period of appeal."

Petitioner failed in appeal and his revision was also dismissed. We feel that the order dated 11.04.2005, passed by the Collector is perfectly justified. As per established law, choice of the Collector, in the cases of appointment of Lambardar, is not to be interfered with, unless the same is perverse in law and facts. Nothing in that regard has been indicated to us, which may necessitate any interference. Otherwise on merits, we feel that respondent No.4 is a better candidate. No case is made out for interference.

Dismissed.

(JASBIR SINGH)
JUDGE

(NIRMAL YADAV)
JUDGE

March 20, 2007
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